

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

BECKLEY DIVISION

In re MASSEY ENERGY CO. SECURITIES  
LITIGATION

CIVIL ACTION NO. 5:10-cv-00689

**JOINT MOTION TO EXTEND DEADLINE TO FILE RESPONSE AND REPLY BRIEFS**

Defendants James B. Crawford, E. Gordon Gee, Robert H. Foglesong, Richard M. Gabrys, Lady Barbara Thomas Judge, Dan R. Moore, Stanley C. Suboleski, Don L. Blankenship, Baxter F. Phillips, Jr., Eric B. Tolbert, J. Christopher Adkins, and Alpha Appalachia Holdings, Inc., formerly known as Massey Energy Company, (collectively "Defendants"), by counsel, pursuant to Rule 7.1(a) of the Local Rules of Civil Procedure, jointly move the Court to extend the time to file their reply brief(s) in further support of their previously filed motions to dismiss [Docs. 94 and 96] ("Reply Brief(s)"). Defendants further move to the extend the time to file their response(s) to the plaintiffs' Request for Judicial Notice In Further Support of Plaintiffs' Opposition to Defendants' Motion to Dismiss [Doc. 115] ("Request for Judicial Notice"). In support of this Joint Motion, Defendants state as follows:

1. On April 25, 2011, Defendants moved to dismiss the Consolidated Amended Class Action Complaint [Doc. 83]. Pursuant to the Order entered February 2, 2011 [Doc. 72], Defendants' Reply Brief(s) are to be filed on or before July 11, 2011.

2. On June 27, 2011, the plaintiffs filed a Request for Judicial Notice. Pursuant to Local Rule of Civil Procedure 7.1(a)(7) and Rule of Civil Procedure 6(d), Defendants' response(s) to the Request for Judicial Notice are to be filed on or before July 14, 2011.

3. Defendants respectfully request that the deadlines for Defendants' Reply Brief(s) and Defendants' response(s) to the Request for Judicial Notice be extended to July 18, 2011.

4. Plaintiffs' reply in further support of the Request for Judicial Notice is to be filed on or before July 25, 2011.

5. This briefing schedule will permit the parties to more clearly and concisely address the multiple issues involved in Plaintiffs' Memorandum in Opposition to Defendants' Motions to Dismiss the Consolidated Amended Class Action Complaint for Violations of the Federal Securities Laws [Doc. 103] and the Request for Judicial Notice.

6. Defendants have been informed and can represent that the plaintiffs have no objection to the relief requested herein.

July 8, 2011

Respectfully submitted,

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